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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,306

03/22/2006

Claire-Lise Boujon

206,828

6454

38137 7590 10/05/2007
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EXAMINER

POPE, DARYL C

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,306

Applicant(s)

BOUJON, CLAIRE-LISE

Examiner

DARYL C. POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3-7,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/06; 3/2/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,8-10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager et al(6,198,390).

-- In considering claim 1, the claimed subject matter that is met by Schlager et al(Schlager) includes:

1) the device for rescue and safety for swimming is met by the remote alarm unit(82);

2) the transmitter, microcontroller, transponder, battery, means of display, panic button, contact button, means to trigger, location device, control center, warning signal, personal identification code are met by the transmitter(86), receiver(88); battery113, ID#(92), visual beacon(94), panic button(112), tamper switch(109), base station(84), GPS receiver(210), control circuit(768) wherein the unit is designed to activate a light and transmit a warning signal to emergency center upon activation of any of the sensors or button on the unit(see: column 8, lines 9 et seq).

- Schlager does not teach:

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1) the cardiac-arrest detector; printed circuit; wristband for including the above stated devices.

The examiner takes Official Notice that in the alarm art, use of cardiac arrest detectors, printed circuit, and as well devices housed in a wristband to be worn is well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these features into the device of Schlager, since Schlager already desires to monitor various circumstances pertaining to a person, and therefore, inclusion of a cardiac arrest detector would have further enhanced the ability of the unit of Schlager to monitor persons for virtually every potentially harmful situation that could occur to that person.

Furthermore, incorporation of a printed circuit would have facilitated placement of electronics in the system in a compact spaced saving means. As well, incorporation of the device would have enhanced the wearable nature of the device, since placing the components in a wristband would have provided some level of discreetness to the wearer of the unit.

-- With regards to claim 2, the water detector is met by the water sensor(102).

-- With regards to claim 8, the examiner takes Official Notice that in the water sensor art, use of water detectors which include a duct with at least two apertures, and two contacts spaced apart are well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any of these detectors into the detector of Schlager, since these would have

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constituted adequate means that would have sufficiently detected the presence of water for the detector(102).

-- With regards to claims 9 and 10, use of various forms of panic and contact buttons, and location detectors are well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any form of button, and a location detector device including field detectors with antennae passing through a multiplexer, level adapter, and microcontroller as desired, since one of ordinary skill would have recognized the most advantageous devices that would have provided the most desired effect for the system. As well, it would have also been obvious to utilize a watertight membrane or some other form of protective covering as desired, since one of ordinary skill would have recognized that the unit would have included electronic devices that would have been required to remain dry and safe from other elements in order to operate properly.

-- With regards to claim 13, although Schlager teaches use of a conventional battery, use of solar batteries to supply power to portable electronic devices is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate solar batteries in place of the battery of Schlager, since this would have alleviated the necessity of constantly supplying new batteries to power the devices in the system.

-- Claims 14-16 recite subject matter that is met as discussed in claim 1 above.

Allowable Subject Matter

3. Claims 3-7, and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope
September 27, 2007

DARYL C POPE
Primary Examiner
Art Unit 2612
